

BEFORE THE  
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 229

Served December 19, 1962

IN THE MATTER OF:

Application of Vernoy Franklin )	
for a Certificate of Public )	Application No. 211
Convenience and Necessity. )	Docket No. 24

APPEARANCES:

Henry Mackall, attorney for the applicant.

S. Harrison Kahn, attorney for A. B. & W. Transit Company, Diamond Tours, Inc., and the Gray Line, Inc., protestants.

John R. Sims, Jr. and Harold Smith, attorneys for D. C. Transit System, Inc., protestant

Manuel J. Davis, attorney for the Washington, Virginia and Maryland Coach Company.

On November 1, 1962, by Order No. 213, the Commission granted Vernoy Franklin a Certificate of Public Convenience and Necessity to transport passengers for hire in irregular route charter operations.

Applications for reconsideration of said order were filed by the A. B. & W. Transit Company, the Gray Line, Inc., and D. C. Transit System, Inc. These three (3) Companies formally filed protests to the application, appeared at the hearing called thereon, and actively opposed the application for the certificate. The W. V. & M. Coach Company, by and through its attorney, filed a protest against the application. However, the carrier did not appear at the hearing and participate therein. On that basis W. V. & M. Coach Company was dismissed as a party to this proceeding. W. V. & M. Coach Company filed an application for reconsideration claiming, inter alia, that the Commission erred in dismissing it as a party to the proceeding. The Commission finds no error in the dismissal. However, the application for reconsideration was

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accepted in view of the fact that Section 16, Article XII of the Compact provides that "any person" affected by an order of the Commission may file an application for reconsideration. Since W. V. & M. Coach Company has regular route and charter authority in the area embraced by the certificate issued in Order No. 213, it is clearly a "person affected" by said Order.

The Commission is of the opinion that there is no basis in law or fact to support the errors alleged in the applications for reconsideration, that the grounds for reconsideration are without merit, and that the applications for reconsideration should be denied.

THEREFORE, IT IS ORDERED that the applications of the A. B. & W. Transit Company, the Gray Line, Inc., D. C. Transit System, Inc., and the W. V. & M. Coach Company, Inc., for reconsideration of Order No. 213 be, and they are hereby, denied.

BY DIRECTION OF THE COMMISSION:

A handwritten signature in cursive script, appearing to read "Delmer Ison", written in dark ink.

DELMER ISON

Executive Director